

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
MONDAY, FEBRUARY 28, 2005 AT 2:00 P.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

- ITEM-1: ROLL CALL.
- ITEM-10: INVOCATION.
- ITEM-20: PLEDGE OF ALLEGIANCE.

=== LEGISLATIVE SCHEDULE ===

Special Orders of Business

- ITEM-30: Approval of Council Minutes.
- ITEM-31: Nghiep Le Day.
COUNCILMEMBER MAIENSCHIN’S RECOMMENDATION: Adopt
the resolution.

NON-AGENDA PUBLIC COMMENT

Non-agenda public comment is taken on Tuesday pursuant to the San Diego Municipal Code Section 22.0101.

CLOSED SESSION NOTICES, DISCLOSURE, AND PUBLIC COMMENT

In accordance with the San Diego City Council Temporary Rule for Noticing and Conduct of Closed Session Meeting, adopted on March 29, 2004, this portion of the agenda is reserved for City Attorney comment, public comment, and City Council discussion of the content of the **Closed Session Agenda for Monday, February 28, 2005, scheduled to commence immediately following the conclusion of the regular open session meeting that day. The Closed Session may continue into Tuesday, March 1, 2005.**

NOTE: Members of the public wishing to address the City Council on any item on the Closed Session Agenda should reference the closed session item number from the Closed Session Docket on the speaker slip. Speakers may speak “in favor” or “in opposition” to the subject.

Information Item - No Action Required - The City Council shall:

1) Consider any oral report from the City Attorney or City negotiators; 2) Accept testimony from any member of the public wishing to address the City Council on any item appearing on the Closed Session Agenda; 3) Questions and discussion by Council Members, limited to the facts as disclosed by the City Attorney or City negotiators and the basis or justification for consideration of the matter in closed session 4) Refer matters discussed to closed session.

COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT

REQUESTS FOR CONTINUANCE

The Council will now consider requests to continue specific items.

=== LEGISLATIVE SCHEDULE (Continued) ===

Adoption Agenda, Consent Items

- ITEM-50: Three actions related to Amending the San Diego Municipal Code Relating to Implementing the Right to Know Committee Recommendations.
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinances which were introduced on 2/8/2005, Item S500.
- ITEM-51: Amending the San Diego Municipal Code Relating to the Time for Hearing the Non-Agenda Public Comment.
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinance which was introduced on 02/08/2005, Item S501, Subitem A.
- ITEM-100: Two actions related to 252 Corridor Park Phase I North. (Southeastern San Diego Community Area. District 8.)
CITY MANAGER'S RECOMMENDATION: Adopt the resolutions.
- ITEM-101: Two actions related to Change Order No. 1 - Reconstruction of Tennyson/Sterne Streets for Utility Undergrounding. (Peninsula Community Area. District 2.)
CITY MANAGER'S RECOMMENDATION: Adopt the resolutions.
- ITEM-102: Memorandum of Understanding (MOU) with the San Diego County Water Authority for the City of San Diego's Landscape Water Conservation Programs.
NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION: On 2/9/2005, NR&C voted 3 to 0 to (accept the City Manager's report) to authorize the City Manager to enter into a 3-year Memorandum of Understanding (MOU) with the County Water Authority to secure co-funding and pass-through funding for the Commercial Landscape Survey Program (CLSP); and authorize the City Auditor and Comptroller to deposit funds received from the California Water Authority (CWA) for Landscape Water Conservation Programs.
- ITEM-103: Drainage Easement Vacation in a Portion of Pueblo Lot 1119. (Mission Valley Community Area. District 6.)
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.

=== LEGISLATIVE SCHEDULE (Continued) ===

Adoption Agenda, Consent Items (Continued)

- ITEM-104: Parcel Map W.O. No. 421267 and Sewer Easement Vacation. (Black Mountain Ranch Community Area. District 1.)
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-105: Transfer of Funds for the Highland Ranch Neighborhood Park Comfort Station Project. (Carmel Mountain Ranch Community Area. District 5.)
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-106: Expenditure of TransNet Funding for Seven Bicycle/Pedestrian Improvement Projects. (College, Kensington, La Jolla, Mira Mesa, Mission Bay Park, Otay Mesa, Sorrento Valley, Southeastern San Diego, and Via de la Valle Reserve Community Areas.)
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-107: Additional Funding for the Via de la Valle Bikeway Project. (Carmel Valley, NCFUA Subarea II Community Area. District 1.)
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-108: Revised Cooperative Agreement with Caltrans for Relinquishment of 36th Street. (Southeastern San Diego, Mount Hope, and Mountain View Community Areas. District 4.)
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-109: Amendments to Cooperative Agreement for State Route 905 Right of Way. (Otay Mesa Community Area. District 8.)
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-110: License Agreement with San Diego Family Housing, LLC, for Police Department Office Space located at 4439-4440 Olney Street. (Pacific Beach Community Area. District 2.)
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Adoption Agenda, Consent Items (Continued)

- ITEM-111: Office Space Sublease Agreement with the San Diego Data Processing Corporation for the Treasurer's Financing Services Division at Civic Center Plaza. (Centre City Community Area. District 2.)
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-112: First Amendment to Agreement with the San Diego Unified School District (SDUSD) for the "6 to 6" Extended School Day Funding.
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-113: Easement Deed Conveying to SBC/Pacific Bell Telephone Company an Easement for Underground Facilities at Montgomery Field Airport. (Kearny Mesa Community Area. District 6.)
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-114: Easement Deed Conveying to San Diego Gas and Electric Company an Easement for Underground Electrical Transmission Facilities at Montgomery Field Airport. (Kearny Mesa Community Area. District 6.)
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-115: Grant Application to the State of California Resources Agency for Otay Valley Regional Park Staging Area and Trail. (Otay Mesa Community Area. District 8.)
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-116: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico. (District 8.)
TODAY'S ACTION IS: Adopt the resolution.
- ITEM-117: Declaring a Continued State of Emergency Due to Economic Circumstances in the San Diego-Tijuana Border Region. (District 8.)
TODAY'S ACTION IS: Adopt the resolution.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Adoption Agenda, Consent Items (Continued)

ITEM-118: Declaring a Continued Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV).
TODAY'S ACTION IS: Adopt the resolution.

ITEM-119: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.
TODAY'S ACTION IS: Adopt the resolution.

ITEM-120: Appointment of Mr. John Chalker to the City of San Diego's Public Facilities Financing Authority.
MAYOR MURPHY'S RECOMMENDATION: Adopt the resolution.

Adoption Agenda, Discussion, Other Legislative Items

ITEM-200: Proposed Amendments to the City's Land Development Code and Local Coastal Program. (Citywide.)
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinance which was introduced on 2/1/2005, Item S501.

ITEM-201: Fiscal Year 2005 Financial Review and Status Report.
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.

ITEM-202: Two actions related to San Diego Fire/Rescue Helicopter Procurement.
CITY MANAGER'S RECOMMENDATION: Adopt the resolutions.

ITEM-203: Second Amended and Restated Agreement with Hawkins Delafield & Wood, LLP for General Disclosure Counsel Services.
CITY ATTORNEY'S RECOMMENDATION: Adopt the resolution.

ITEM-204: Fourth Amendment to Retention Agreement with KPMG, LLP to Perform an Audit of the City's FY 2003 Financial Statements.
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.

=== LEGISLATIVE SCHEDULE (Continued) ===

Special Hearings, Discussion

ITEM-205: In the matter of:
Council Discussion Regarding the Strong Mayor Transition Work Plan.

Public Notices

ITEM-250: **Notice** of Pending Final Map Approval – 4425 Illinois Street.

ITEM-251: **Notice** of Pending Final Map Approval – Pacific Highlands Ranch Unit No. 2B.

ITEM-252: **Notice** of Pending Final Map Approval - 4271 45th Street.

Non-Docket Items

Adjournment in Honor of Appropriate Parties

Adjournment

=== EXPANDED CITY COUNCIL AGENDA ===

SPECIAL ORDERS OF BUSINESS

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS:

Approval of Council Minutes for the meetings of:

01/24/2005
01/25/2005
01/25/2005 – Special Meeting
01/31/2005
02/01/2005

ITEM-31: Nghiep Le Day.

COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-837)

Recognizing the vital services, that Nghiep Le has provided the citizens of San Diego;

Proclaiming February 28, 2005, to be "Nghiep Le Day" in the City of San Diego.

NON-AGENDA PUBLIC COMMENT

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COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT

REQUEST FOR CONTINUANCE

The Council will now consider requests to continue specific items.

ADOPTION AGENDA, CONSENT ITEMS

The following listed items are considered to be routine, and the appropriate Environmental Impact Reports have been considered. These items are indicated on the docket by a preceding asterisk (*). Because these items may be handled quickly, if you wish to be heard submit your Request to Speak form prior to or at 2:00 p.m.

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

Items 50 and 51.

RESOLUTIONS TO BE ADOPTED:

Items 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, and 120.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

- * ITEM-50: Three actions related to Amending the San Diego Municipal Code Relating to Implementing the Right to Know Committee Recommendations.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinances which were introduced on 2/8/2005, Item S500.
(Council voted 9-0):

Subitem-A: (O-2005-95)

Amending Chapter 2, Article 2, Division 1, of the San Diego Municipal Code by amending Section 22.0101, entitled "Permanent Rules of the Council" by amending Rule 30 relating to Preparation of the Council Agenda by adding new Rule 30.3, entitled "Noticing and Conduct of Closed Sessions."

Subitem-B: (O-2005-96)

Amending Chapter 2, Article 2, Division 1, by amending Section 22.0101 by amending the Permanent Rules of the Council Rule 1, all relating to Hours of Meetings.

Subitem-C: (O-2005-98)

Amending Chapter 2, Article 2, Division 1, of the San Diego Municipal Code by amending Section 22.0101, entitled "Permanent Rules of the Council" by amending Rule 8 and Rule 8.1, all relating to Non-Agenda Public Comment.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING
WITH THE READING AND ADOPTION: (Continued)

- * ITEM-51: Amending the San Diego Municipal Code Relating to the Time for Hearing the Non-Agenda Public Comment.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 02/08/2005, Item S501,
Subitem A. (Council voted 6-3. Councilmembers Atkins, Young, and Frye voted nay):

(O-2005-97A)

Amending Chapter 2, Article 2, Division 1, of the San Diego Municipal Code by
amending Section 22.0101, entitled "Permanent Rules of the Council" by
amending Rule 8, all relating to Non-Agenda Public Comment.

This alternative Ordinance would require subject to the exercise of the Mayor's
discretion for a given agenda, Non-Agenda Public Comment shall be docketed for
the end of the Tuesday portion of the agenda.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-100: Two actions related to 252 Corridor Park Phase I North.

(Southeastern San Diego Community Area. District 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2005-787)

Authorizing the City Manager to award the contract to Heffler Company, Inc., in an amount not to exceed \$1,157,719 for the construction of CIP-29-458.0, 252 Corridor Park Phase I North, Fund No. 38182, 2001 Urban Park Act;

Authorizing the City Auditor and Comptroller to return excess budgeted funds to the contributing funds.

Subitem-B: (R-2005-802)

Stating for the record that the information contained in the final Mitigated Negative Declaration, including any comments received during the public review process, has been previously reviewed and considered prior to approving this project by this Council and it is determined that no substantial changes or new information of substantial importance within the meaning of CEQA Guideline Section 15162 would warrant any additional environmental review in connection with approval of 252 Corridor Park Phase I North;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

CITY MANAGER SUPPORTING INFORMATION:

252 Corridor Park Phase I North is located in the Southeastern San Diego community. This project provides for a new 2.72 acre neighborhood park in northern side of the former State Route 252 corridor. The proposed amenities include a play area, comfort station, turf and landscaping, picnic shelter and tables, fitness stations, security lighting and parking lot. These improvements compliment the project recently completed by the Planning Department to Chollas Creek and the southern side of the corridor. Similarly, this project adheres to the Chollas Creek Enhancement Program.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-100: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

On September 23, 2004, four bids were received. Heffler Company, Inc. was the lowest responsible and reliable bidder. The base bid of \$998,000 was over the advertised estimate of \$900,000, however the base bid plus all alternatives of \$1,157,719 was under the engineer's estimate of \$1,962,663. This action authorizes the City Manager to enter into a construction contract with Heffler Company, Inc., in the amount of \$1,157,719.

A grant application was submitted for this project and approved by Council via Resolution Number R-298701. In October 2004, The California Department of Parks and Recreation announced recipients of competitive grants from the Urban Park Act of 2001 grant program. The City received an award of \$2,500,000 for this project. A grant contract has been fully executed. The South East Development Corporation also contributed \$500,000 towards this project. Funding in excess of the project estimate for Phase I will contribute toward a future Phase II project. Phase II would include a pedestrian bridge over the existing Chollas Creek. The pedestrian bridge would provide access to the north and south sides of the park.

FISCAL IMPACT:

The total project cost is \$1,871,158. Funding is available in the above referenced sources. Funding for maintenance of this new facility has been programmed in current Fiscal Year 2006.

Herring/Oppenheim/AP

Aud. Cert. 2500727.

Staff: A. Penner/K. Rodgers - (619) 525-8223/(619) 235-5242

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-101: Two actions related to Change Order No. 1 - Reconstruction of Tennyson/Sterne Streets for Utility Undergrounding.

(Peninsula Community Area. District 2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2005-823)

Approving Change Order No. 1, dated August 20, 2004, issued in connection with the contract between The City of San Diego and Scheidel Contracting, Inc., and the changes therein set forth, amounting to a net increase in the contract price of \$630,000;

Authorizing the City Auditor and Comptroller to appropriate and expend up to \$1,265,000 from Fund 30301, CIP-37-028.0, Undergrounding of City Utilities, for the purposes of utility undergrounding construction, engineering, and related expenses;

Authorizing the City Auditor and Comptroller to accept up to \$1,265,000 in reimbursement from SDG&E to the Underground Surcharge Fund 30301;

Authorizing the City Manager to execute additional change orders with Scheidel Contracting Inc., in a cumulative amount not to exceed \$545,000 for the sole purpose of undergrounding SDG&E utilities during the course of construction on the Project.

Subitem-B: (R-2005-824)

Stating for the record that the information contained in the final Mitigated Negative Declaration, including any comments received during the public review process, has been previously reviewed and considered by this Council and it is determined that no substantial changes or new information of substantial importance within the meaning of CEQA Guideline Section 15162 would warrant any additional environmental review in connection with approval of the Reconstruction of Tennyson/Sterne Streets for Utility Undergrounding;

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

*** ITEM-101: (Continued)**

Subitem-B: (Continued)

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

CITY MANAGER SUPPORTING INFORMATION:

On January 7, 2003, the Council authorized (RR-297507) the reconstruction of Tennyson and Sterne Streets (Sewer and Water Group Job 637B) in Point Loma, due to damage from the several sewer, water, and other previous utility projects. This project provides for the replacement of the pavement between Chatsworth Street and Willow Street, including curbs, gutters, sidewalks, and driveway approaches. The project also included a bid alternative option for the undergrounding of overhead utilities. Subsequent to this, bids were received and the construction contract was awarded to Scheidel Contracting and Engineering. However, since an undergrounding district had not been established at the time the contract was awarded, the option for including the utility undergrounding portion of the work was not utilized. On September 7, 2004, the Council authorized (RR-299609) the creation of a utility undergrounding district for this area. This allows for the reimbursement of most of the undergrounding costs from SDG&E, as part of the 20A program.

This action will provide for the undergrounding of overhead utilities in the project area concurrent with the current street reconstruction work, in order to avoid future damage to the newly installed pavement. All of the undergrounding work under Contract Change Order No. 1 was competitively bid as part of the original advertisement package.

FISCAL IMPACT:

The total estimated cost of this project is \$3,065,000. Of this, \$1,800,000 has been previously authorized from sewer and water funds. Funds for this action in the amount of \$1,265,000 are available from Fund 30101, CIP-37-028.0, Undergrounding of City Utilities. It is anticipated that any funds expended will be reimbursed by SDG&E through the 20A program, after acceptance of the work. No other funds are required for this action. The contingency funds requested are necessary to cover design changes requested by SDG&E since the project was bid.

Mendes/Boekamp/PJ

Staff: Richard Leja – (619) 533-3764

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-102: Memorandum of Understanding (MOU) with the San Diego County Water Authority for the City of San Diego's Landscape Water Conservation Programs.

(See City Manager Report CMR-05-004.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2005-693)

Authorizing the City Manager to execute a three-year Memorandum of Understanding (MOU) with the San Diego County Water Authority (CWA), to continue to secure program co-funding for the commercial landscape survey program and to pass-through funding from the Metropolitan Water District of Southern California and the Department of Water Resources for additional landscape services for Water Department customers;

Authorizing the City Auditor and Comptroller to deposit funds received from the CWA for the purpose of providing funds for the above program.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 2/9/2005, NR&C voted 3 to 0 to (accept the City Manager's report) to authorize the City Manager to enter into a 3-year Memorandum of Understanding (MOU) with the County Water Authority to secure co-funding and pass-through funding for the Commercial Landscape Survey Program (CLSP); and authorize the City Auditor and Comptroller to deposit funds received from the California Water Authority (CWA) for Landscape Water Conservation Programs . (Councilmembers Atkins, Maienschein, and Frye voted yea. Councilmembers Young and Madaffer not present.)

Staff: Luis Generoso – (619) 533-5258

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-103: Drainage Easement Vacation in a Portion of Pueblo Lot 1119.

(Mission Valley Community Area. District 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-826)

Vacating the drainage easement located within a portion of Pueblo Lot 1119, to unencumber this property and facilitate development of the site, under the procedure for the summary vacation of public service easements, California Streets and Highways Code Section 8330, et. seq.

CITY MANAGER SUPPORTING INFORMATION:

City Council action is requested to vacate an unneeded drainage easement in a portion of Pueblo Lot 1119 as shown on Engineering Drawing No. 20209-B. This site is located in the Mission Valley Community Plan area, northwesterly of Hotel Circle North and I-163 in Council District 6.

The drainage easement was previously used for a concrete lined drainage channel that is the outfall for a box culvert that passes beneath Hotel Circle North. As part of the Presidio View Project, a newly constructed triple box culvert as shown on Engineering Drawing 32777-D will connect to the existing box culvert thus rendering the existing culvert and easement obsolete. The easement being vacated was acquired at no cost to the City and the City has no fee interest.

Staff recommends approval of this action.

FISCAL IMPACT:

None.

Loveland/Broughton/GRB

Staff: Geraldine Bollenbach – (619) 446-5417

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-104: Parcel Map W.O. No. 421267 and Sewer Easement Vacation.

(Black Mountain Ranch Community Area. District 1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-825)

Approving parcel map W.O. No. 421267, being a lot line adjustment of Lots 1 and "A" of Black Mountain Ranch Unit No. 10, in the City of San Diego, County of San Diego, State of California according to Map thereof No. 14179;

Declaring that the sewer easement granted to the City of San Diego per Map No. 14179 recorded March 29, 2001, is not shown within the Parcel Map because they are vacated pursuant to Section 66445 (J) of the Subdivision Map Act.

CITY MANAGER SUPPORTING INFORMATION:

This 21.376-acre map proposes a lot line adjustment between two lots in Black Mountain Ranch Unit No. 10. This parcel map is located in the Black Mountain Ranch Community Plan area, southwesterly of Camino Ruiz and San Dieguito Road in Council District 1. This map requires City Council approval because a portion of sewer easement is being vacated on the map.

One of the resulting parcels of this parcel map will be deeded to the City for park purposes. The lot line adjustment was at the request of the City Park and Recreation Department because Park and Rec. does not want an existing sewer easement within park boundaries. The result of this map is that the sewer easement will be on non-City owned land. In addition to adjusting the lot line to remove the sewer easement from park property, the terminus of the easement is being changed from a hammerhead turn-around configuration to a circular bulb turn-around. The vacation of the hammerhead portion of the easement requires Council approval. The sewer easement being vacated was granted on the Final Map of Black Mountain Ranch Unit No.10 Map No. 14719. Staff has determined that the revised map is consistent with all previously approved permits. This lot line adjustment map does not create any new lots or allow for greater development density. Therefore, there is no expected traffic impact. There are no park fees due in connection with this project.

Frazier/Halbert/GRB

Staff: Geraldine Bollenbach – (619) 446-5417

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-105: Transfer of Funds for the Highland Ranch Neighborhood Park Comfort Station Project.

(Carmel Mountain Ranch Community Area. District 5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-662)

Authorizing the City Auditor and Comptroller to transfer funds in the amount of \$10,000, from CIP-29-586.0, Forest View Mini-Park Play Area Upgrade, to CIP-29-858.0, Highland Ranch Comfort Station within Fund No. 38125, 2000 Park Bond per Capita funding;

Authorizing the City Auditor and Comptroller to transfer funds in the amount of \$10,000 from CIP-29-588.0, Semillon Mini-Park Play Area Upgrade, to CIP-29-858.0, Highland Ranch Comfort Station within Fund No. 38124, 2000 Park Bond per Capita funding;

Authorizing the City Auditor and Comptroller to appropriate and expend \$20,000 from CIP-29-858.0, Highland Ranch Comfort Station, to supplement funding previously authorized by Council Action.

CITY MANAGER SUPPORTING INFORMATION:

Highland Ranch Neighborhood Park is located at the corner of Eastbourne Road and Highland Ranch Road, in the Carmel Mountain Ranch Community Planning Area. The project scope includes the installation of a pre-fab comfort station, new sewer, electrical and water lines to the comfort station and ADA upgrades to the parking lot, path of travel and drinking fountain. Bids for the work have been received and are 10% over the Engineer's estimate, therefore an additional \$20,000 is required to fully fund the project.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-105: (Continued)

FISCAL IMPACT:

The total project cost is \$215,252, of which funding in the amount of \$10,000 will be transferred from CIP-29-586.0, Forest View Mini-Park Play Area Upgrade, Fund No. 38125, and funding in the amount of \$10,000 will be transferred from CIP-29-588.0, Semillon Mini-Park Play Area Upgrade, Fund No. 38124, to supplement funding previously authorized for CIP-29-858.0, Highland Ranch Neighborhood Park Comfort Station. These two Play Area Upgrade projects will be completed under budget and surplus funds are available for transfer.

Herring/Oppenheim/AP

Aud. Cert. 2500607.

Staff: Robin Shifflet – (619) 533-3894

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-106: Expenditure of TransNet Funding for Seven Bicycle/Pedestrian Improvement Projects.

(College, Kensington, La Jolla, Mira Mesa, Mission Bay Park, Otay Mesa, Sorrento Valley, Southeastern San Diego, and Via de la Valle Reserve Community Areas.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-684)

Authorizing the City Manager to accept, appropriate, expend and to take all necessary actions to secure \$1,190,722 in Transportation Development Act/Local Transportation Funds (TDA/LTF), Fund No. 390068, and \$142,000 in TransNet Bikeway Funds, Fund No. 30301, from SANDAG for seven bicycle/pedestrian improvement projects, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller to establish special interest-bearing account Fund No. 390068 for SANDAG Fiscal Year 2005 claim 375 funds;

Authorizing the City Auditor and Comptroller to add CIP-58-179.0, 54th Street and Euclid Avenue Bike Lanes and Route from Trojan Avenue to Market Street; CIP-58-181.0, Fairmount Avenue/Camino Del Rio South Traffic Signal and Striping Modifications; CIP-58-182.0, Beyer/East Beyer Boulevard Bikeway Project from Dairy Mart Road to San Ysidro Boulevard, to Fiscal Year 2005 Capital Improvements Program;

Authorizing the City Auditor and Comptroller to increase by \$1,190,722 in the Fiscal Year 2005 Capital Improvements Program (CIP) budget in Fund No. 390068, TDA funds for: CIP-52-717.0, Bird Rock Coastal Traffic Flow Improvements on La Jolla Boulevard from Colima Street to Camino de La Costa - \$400,000 (La Jolla/District 1); CIP-58-077.0, Via de la Valle widening for bike lanes from El Camino Real (west) to San Andreas Drive - \$358,722 (Via de La Valle Reserve/District 1); CIP-58-147.0, Rose Creek Bicycle Path and Pedestrian

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-106: (Continued)

Bridge over Rose Creek Inlet from Pacific Beach Drive to Mission Bay Drive - \$150,000 (Mission Bay Park/Districts 2 & 6); CIP-58-179.0, 54th Street and Euclid Avenue Bike Lanes and Bike Route from Trojan Avenue to Market Street - \$130,000 (Southeastern San Diego/District 4); CIP-58-181.0, Fairmount Avenue/Camino del Rio South Traffic Signal and Striping Modifications to the intersection - \$86,000 (College-Kensington/Districts 3 & 7); CIP-58-182.0, Beyer/East Beyer Boulevard Bikeway Project from Dairy Mart Road to San Ysidro Boulevard \$66,000 (Otay Mesa/District 8);

Authorizing the City Auditor and Comptroller to increase by \$142,000 in the Fiscal Year 2005 CIP Budget Fund No. 30301, TransNet Bikeway Funds, in CIP-58-157.0, Vista Sorrento Parkway widening for bike lanes from Lusk Boulevard to Sorrento Valley Boulevard - \$142,000 (Sorrento Valley & Mira Mesa/Districts 1 & 5);

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$1,190,772 from the following CIPs: CIP-52-717.0, Bird Rock Coastal Traffic Flow Improvements on La Jolla Boulevard from Colima Street to Camino de La Costa, Fund 390068, TDA funds - \$400,000 for the purpose of designing and constructing pedestrian improvements; CIP-58-077.0, Via de la Valle Widening from El Camino Real (west) to San Andreas Drive, Fund 390068, TDA funds - \$358,722 for the purpose of widening the roadway to add bike lanes; CIP-58-147.0, Rose Creek Bicycle Path and Pedestrian Bridge over Rose Creek Inlet from Pacific Beach Drive to Mission Bay Drive, Fund 390068, TDA funds - \$150,000 for the purpose of designing the bridge and bike path; CIP-58-179.0, 54th Street and Euclid Avenue Bike Lanes and Bike Route from Trojan Avenue to Market Street, Fund 390068, TDA funds - \$130,000 for the purpose of installing bike lanes and bike route; CIP-58-181.0, Fairmount Avenue/Camino del Rio South Traffic Signal and Striping Modifications, Fund 390068, TDA funds - \$86,000 for the purpose of restriping the intersection to better accommodate bicycles; CIP 58-182.0, Beyer/East Beyer Boulevard Bikeway Project, Fund 390068, TDA funds - \$66,000, for the purpose of installing bike lanes from Dairy Mart Road to San Ysidro Boulevard, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are available;

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

*** ITEM-106: (Continued)**

Authorizing the City Auditor and Comptroller to appropriate and expend an amount no to exceed \$142,000 from CIP-58-157.0, Vista Sorrento Parkway Widening, Fund No. 30301, TransNet funds - \$142,000, for widening the road to install bike lanes from Lusk Boulevard to Sorrento Valley Boulevard, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are available;

Authorizing the City Auditor and Comptroller, upon advice of the administering department, to transfer excess funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego applied to SANDAG for funding for fourteen bicycle and pedestrian improvement projects. The geographical locations of those proposed projects were throughout the City and in each Council district. SANDAG approved \$1,190,722 in Transportation Development Act/Local Transportation Funds (TDA/LTF) and \$142,000 in TransNet Bikeway Funds (a total of \$1,332,722) for seven of the fourteen projects. This will fund various project design studies, cost estimates, and bike lane striping/signing. The projects to be funded are:

CIP-52-717.0: Bird Rock Coastal Traffic Flow Improvements in the Bird Rock area of La Jolla from Colima Street to Camino de La Costa - \$400,000 (La Jolla/District 1);

CIP-58-077.0: Via de la Valle widening for bike lanes from El Camino Real (West) to San Andreas Drive - \$358,722 (Via de la Valle Reserve/District 1);

CIP-58-157.0: Vista Sorrento Parkway widening for bike lanes from Lusk Boulevard to Sorrento Valley Boulevard - \$142,000 (Sorrento Valley & Mira Mesa/Districts 1 & 5);

CIP-58-147.0: Rose Creek Bicycle Path and Pedestrian Bridge over Rose Creek Inlet from Pacific Beach Drive to Mission Bay Drive - \$150,000 (Mission Bay Park/Districts 2 & 6);

CIP-58-179.0: 54th Street and Euclid Avenue Bike Lanes and Bike Route from Trojan Avenue to Market Street - \$130,000 (Southeastern San Diego/District 4);

CIP-58-181.0: Fairmount Avenue/Camino del Rio South Traffic Signal and Striping Modifications to the intersection - \$ 86,000 (College & Kensington/Districts 3 & 7); and

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-106: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

CIP-58-182.0: Beyer/East Beyer Boulevard Bikeway Project from Dairy Mart Road to San Ysidro Boulevard - \$66,000 (Otay Mesa/District 8).

Council action is required to approve the application for funding, to accept the funds, and to authorize their expenditure. Staff will be resubmitting the unapproved projects and others when SANDAG requests applications in the future.

FISCAL IMPACT:

Accepting a total of \$1,332,722 (\$1,190,722 in TDA/LTF funds and \$142,000 in TransNet Bikeway Funds) from SANDAG.

Mendes/Boekamp/DZ

Staff: Larry Van Wey – (619) 533-3005

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-107: Additional Funding for the Via de la Valle Bikeway Project.

(Carmel Valley, NCFUA Subarea II Community Area. District 1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-844)

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$375,000 in TransNet, Fund 30300, from CIP-52-471.0, North Torrey Pines Genesee Project, to CIP-58-077.0, Via de la Valle Bikeway Project;

Authorizing the City Auditor and Comptroller to accept, appropriate, and expend an amount not to exceed \$250,000 from Fund 63022 of private contributions from Black Mountain Ranch, LLC, for the construction of CIP-58-077.0, Via de la Valle Bikeway Project, contingent upon receipt of said private contribution funds and provided that the City Auditor and Comptroller first furnishes a certificate that demonstrates that said funds are on deposit in the City Treasurer;

Authorizing the City Auditor and Comptroller to increase the Fiscal Year 2005 Capital Improvements Budget for CIP-58-077.0, Via de la Valle Bikeway Project, by \$250,000, Fund 63022;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$375,000 from TransNet, Fund 30300 for the construction of CIP-58-077.0, Via de la Valle Bikeway Project;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, from CIP-58-077.0, Via de la Valle Bikeway Project, to CIP-52-517.0, Carmel Valley Road Enhancement Project.

CITY MANAGER SUPPORTING INFORMATION:

The Via de la Valle Bikeway Project will provide a 5-foot-wide Class II bike lane on both sides of Via de la Valle from San Andreas Drive to El Camino Real, which comprises a length of approximately 1.1 miles. If sufficient funds are not available, the project includes a provision for reduction to a Class III bike lane for a portion of the length.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-107: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

Specific improvements necessary to construct this bike lane include the following: addition of new pavement sections, removal of slope wash material adjacent to the roadway, installation of decorative rock walls to mitigate for potential rock falls, and traffic striping the existing roadway. Following the bid opening and award process, if funds are available, new curb, gutter and sidewalk will be included.

The project was originally advertised on April 22, 2004 and seventeen (17) bid packages were issued to the prospective bidders. On the bid opening date of May 27, 2004, only two (2) bid packages were received. The apparent bid low bid of \$979,132, was \$354,921 (34%) over the engineer's estimate of \$624,211. Based on the engineer's estimate and an evaluation of the bid information, the bids were rejected. Changes were made to the improvement plans and specifications that have resulted in a moderate reduction of the estimated construction costs. However, due to the rising cost of materials and other factors, additional funding is still required to cover this anticipated shortfall. Because this project overlaps with a portion of a future development requirement, Black Mountain Ranch, LLC has offered to contribute, in advance of their obligation, a portion of the additional funding necessary. The balance of the additional funds needed has been identified in a completed project (North Torrey Pines Road and Genesee Avenue Intersection). These additional funds are necessary for the current SANDAG TransNet Bikeway funds to be retained.

FISCAL IMPACT:

The total cost of the project is \$1,834,950.33, including design and construction. Of this amount, \$1,209,950.33 has been previously approved, including \$1,009,950.33 of TransNet Bikeway funds allocated by SANDAG for this project. Of the remaining \$625,000 required for the project, \$375,000 is available from TransNet, Fund 30300, CIP-52-471.0, North Torrey Pines Road and Genesee Avenue Intersection, and \$250,000 will be available upon receipt of the private contributions from Black Mountain Ranch, LLC.

Mendes/Boekamp/DZ

Aud. Cert. 2500689.

Staff: Richard Leja – (619) 533-3764

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-108: Revised Cooperative Agreement with Caltrans for Relinquishment of 36th Street.

(Southeastern San Diego, Mount Hope, and Mountain View Community Areas.
District 4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-828)

Authorizing the City Manager to execute a Cooperative Agreement with the California Department of Transportation, for the relinquishment to the City of 36th Street between Imperial Avenue and Market Street, under the terms and conditions set forth in the Agreement, together with any reasonably necessary modifications or amendments thereto which do not increase project scope or cost and which the City Manager shall deem necessary from time to time in order to carry out the purposes and intent of this project and agreement;

Authorizing the addition to the FY 2005 Capital Improvements Program of CIP-52-738.0, Landscape Maintenance for 36th Street between Imperial Avenue and Market Street;

Authorizing the City Auditor and Comptroller to establish a new special fund for the purpose of depositing any California Department of Transportation funds received hereunder, contingent upon the execution of said Cooperative Agreement;

Authorizing an increase in the amount of \$50,000 in the Fiscal Year 2005 Capital Improvements Program budget in CIP-52-738.0, Landscape Maintenance for 36th Street between Imperial Avenue and Market Street;

Authorizing and accepting \$50,000 from the California Department of Transportation and depositing said funds in CIP-52-738.0, Landscape Maintenance for 36th Street between Imperial Avenue and Market Street;

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

*** ITEM-108: (Continued)**

Authorizing the City Auditor and Comptroller to appropriate and expend \$50,000 from CIP-52-738.0, Landscape Maintenance for 36th Street between Imperial Avenue and Market Street, for the purpose of plant establishment as defined in the Standard Specifications for the Construction of Local Streets and Roads, contingent upon the City Auditor and Comptroller first certifying that the funds are available;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

On May 24, 2004, Council approved a Cooperative Agreement with Caltrans for the relinquishment of 36th Street between Market Street and Imperial Avenue to the City. This street was built by Caltrans as mitigation for the closure of the I-15/Imperial Avenue interchange. As part of the agreement, Caltrans agreed to contribute \$50,000 to the City.

The approved agreement contained wording that suggested that the \$50,000 State contribution was to be used to maintain 36th Street, an inappropriate use of State funds per Caltrans policy. The agreement has been revised to indicate that the State funds are to be used for plant establishment and monitoring of the landscaping which is part of the 36th Street project.

Council action is required to approve the revised Cooperative Agreement and to accept, appropriate, and expend the \$50,000 contribution.

FISCAL IMPACT:

Accepting \$50,000 from the State of California and depositing said funds in CIP-52-738.0, Landscape Maintenance for 36th Street between Imperial Avenue and Market Street. After the State funds have been fully expended for the approximately 3-year establishment period, future maintenance costs will impact the Park and Recreation Department's operating budget in an amount estimated at \$17,500 annually.

Mendes/Boekamp/LVW

Staff: Larry Van Wey – (619) 533-3005

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-109: Amendments to Cooperative Agreement for State Route 905 Right of Way.

(Otay Mesa Community Area. District 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-813)

Authorizing the City Manager to execute Amendment No. 1 to Caltrans Agreement No. 11-0556, for the right-of-way acquisition for State Route 905, under the terms and conditions together with any reasonably necessary modifications or amendments thereto which do not increase project scope or cost and which the City Manager shall deem necessary from time to time in order to carry out the purposes and intent of this project and agreement;

Authorizing the City Manager to execute Amendment No. 2 to Caltrans Agreement No. 11-0556, for the right-of-way acquisition for State Route 905, under the terms and conditions together with any reasonably necessary modifications or amendments thereto which do not increase project scope or cost and which the City Manager shall deem necessary from time to time in order to carry out the purposes and intent of this project and agreement;

Authorizing the City Manager to request advance funding from SANDAG through the commercial paper program in the amount of \$4,000,000;

Authorizing the City Manager to execute any necessary documents relating to receipt of said funds from SANDAG;

Declaring that the City will be responsible for paying its share of interest and administrative costs for the TransNet commercial paper program, and that these costs will be deducted from normal TransNet payments, and setting the repayment of these funds on schedule as the first priority use of future TransNet revenues;

Declaring that the City will repay to SANDAG the principal amount of \$4,000,000 prior to Fiscal Year 2008 from TransNet/Local Streets funds;

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-109: (Continued)

Authorizing the expenditure of a total amount not to exceed \$2,633,760 (\$38,440 in Fiscal Year 2005, \$115,320 in Fiscal Year 2006, and \$2,480,000 in Fiscal Year 2007) from CIP-52-697.0, State Route 905, from the Otay Mesa FBA East Fund 79013, for the purpose of providing funds for the above referenced Project in accordance with the latest Council-Approved Otay Mesa Public Facilities Financing Plan;

Authorizing the expenditure of a total amount not to exceed \$1,614,240 (\$23,560 in Fiscal Year 2005, \$70,680 in Fiscal Year 2006, and \$1,520,000 in Fiscal Year 2007) from CIP-52-697.0, State Route 905, from the Otay Mesa FBA West Fund 79014, for the purpose of providing funds for the above referenced Project in accordance with the latest Council-Approved Otay Mesa Public Facilities Financing Plan;

Authorizing the City Auditor and Comptroller, upon direction of the City Manager, to reallocate the funding sources between TransNet and Commercial Paper funded projects as may be appropriate to maximize the use of TransNet cash and reduce the use of Commercial Paper funding for CIP-52-396.0, State Route 905/Right-of-Way Acquisition/Protection;

Authorizing the expenditure of an amount not to exceed \$3,100,000 from CIP-52-396.0, State Route 905/125 Right-of-Way Acquisition/Protection, Fund 30306, TransNet, the purpose of right-of-way acquisition for State Route 905;

Authorizing the expenditure of an amount not to exceed \$100,000 from CIP-52-396.0, State Route 905/125 Right-of-Way Acquisition/Protection, Fund 30306, TransNet, for the purpose of environmental services for State Route 905;

Authorizing the transfer of an amount not to exceed \$200,000 from CIP-52-396.0, State Route 905/125 Right-of-Way Acquisition/Protection, Fund 30306, TransNet, to CIP-52-619.0, Otay Mesa Road Widening;

Authorizing the expenditure of an amount not to exceed \$200,000 from CIP-52-619.0, Otay Mesa Road Widening, Fund 30306, TransNet;

Authorizing the transfer of an amount not to exceed \$600,000 from CIP-52-396.0, State Route 905/125 Right-of-Way Acquisition/Protection, Fund 30306, TransNet, to CIP-52-682.1, Otay Mesa Truck Route;

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

*** ITEM-109: (Continued)**

Authorizing the appropriation and expenditure of an amount not to exceed \$600,000 from CIP-52-682.1 Otay Mesa Truck Route, Fund 30306, TransNet;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves;

Declaring the authorization to approve the appropriation and expenditure of these funds does not constitute a decision to proceed with construction of these projects as proposed and further does not foreclose the analysis of alternatives or mitigation measures that would ordinarily be a part of environmental or permit review.

CITY MANAGER SUPPORTING INFORMATION:

On June 5, 1998, the City entered into a Cooperative Agreement with Caltrans for the acquisition of right of way for future State Route 905. In that document, the City agreed to contribute the amount of \$4,000,000 from the Otay Mesa East Financing Plan in the form of an Escrow Agreement. It has now been determined by the City and Caltrans that an Escrow Agreement is no longer necessary, and that a cash contribution will be made by the City. This contribution will be in the form of a loan from TransNet. Interest on this loan of \$186,000 per year will be paid annually by the Otay Mesa East and Otay Mesa West FBAs, with the principal to be repaid from the two FBAs by the end of Fiscal Year 2007.

On March 1, 2004, Caltrans agreed to credit \$300,000 in environmental services performed by the City as part of the project toward the City's \$4,000,000 contribution. Caltrans has also agreed to credit the City an additional \$600,000 for work the City is performing on the Otay Mesa Truck Route Bypass. These two credits reduce the City's cash contribution to Caltrans to \$3,100,000.

City Council approval is being sought for the two amendments which credit the City \$900,000 toward the original \$4,000,000 Caltrans agreement, of which \$100,000 is for environmental services, \$600,000 is for City work on the Otay Mesa Truck Route Bypass, and \$200,000 is for work on the Otay Mesa Road Widening project. Approval is also sought for transfer of \$600,000 to Otay Mesa Truck Route, and approval of a loan of TransNet to the Otay Mesa FBAs.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-109: (Continued)

FISCAL IMPACT:

This action provides for an advance of \$4,000,000 of TransNet to Otay Mesa East and Otay Mesa West FBAs with the provision that these FBAs will reimburse the TransNet \$4,248,000 in principal and interest by Fiscal Year 2007. This action also provides for a transfer of the credited amount of \$600,000 to the Otay Mesa Truck Route, \$200,000 to Otay Mesa Road Widening, and \$100,000 for environmental services related to SR-905.

Mendes/Boekamp/LVW

Staff: Larry Van Wey – (619) 533-3005)

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-110: License Agreement with San Diego Family Housing, LLC, for Police Department Office Space located at 4439-4440 Olney Street.

(Pacific Beach Community Area. District 2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-697)

Authorizing the City Manager to execute a 5-year license agreement with San Diego Family Housing, LLC, a California limited liability company, for the Premises located at 4439-4440 Olney for Police Department office space, for no rent, commencing October 1, 2004, on the terms and conditions substantially as set forth in the License Agreement.

CITY MANAGER SUPPORTING INFORMATION:

The Police Department has operated a storefront office at 4439-4440 Olney Street site since July 1999. On September 30, 2003, the Department of the Navy, the property owner, terminated the original license agreement with the City in order to execute a new license with San Diego Family Housing, LLC (SDFH). They currently act as agent for the Navy in administration of the Navy's surrounding Admiral Hartman Housing Complex, which includes this facility. The licensed premises consists of an administrative office building, a storage structure, and a fenced 40-space parking lot/storage yard on a 1 acre parcel. The facilities were the former Hartman Recreation Center and Sport Court Building.

The Police Department is proposing to enter into a license for the space with the Navy's contractor under the following terms:

TERM: Five (5) years - October 1, 2004 to September 30, 2009.

USE: Police storefront office and storage facility to write reports, conduct minor investigations, hold community meetings, conduct briefings and perform other forms of daily police work, including the storage of police vehicles consisting of bikes, all terrain vehicles, and boats used in beach operations.

SIZE: Office Building (Bldg. 440): 2,572 square feet; Storage Building (Bldg. 439): 2,356 square feet; and a 40 space parking/storage lot on an approximately 1 acre parcel.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-110: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

RENT: None

SERVICES TO BE PROVIDED BY LICENSOR: Water, sewer, gas, electricity.

SERVICES TO BE PROVIDED BY CITY: Any other services relating to the use of the licensed premises. This includes a pro rata share of janitorial expenses costing \$3,120 annually.

FISCAL IMPACT:

\$3,120 in janitorial expenses per year.

Herring/Griffith/JPA

Staff: Jim Anthony – (619) 533-6509

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-111: Office Space Sublease Agreement with the San Diego Data Processing Corporation for the Treasurer's Financing Services Division at Civic Center Plaza.

(See City Manager Report CMR-05-044. Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-867)

Authorizing the City Manager to execute the Sublease Agreement with the San Diego Data Processing Corporation, approximately 7,938 square feet of office space on the fourth floor of the Civic Center Plaza Building, commencing on April 1, 2005, and terminating on July 31, 2007, at an initial monthly rate of \$11,113.20, under the terms and conditions set forth in this Sublease Agreement;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$278,760 from Fund No. 100, Department 601, for FY 2005.

Aud. Cert. 2500745.

Staff: James Braun – (619) 533-6517

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-112: First Amendment to Agreement with the San Diego Unified School District (SDUSD) for the "6 to 6" Extended School Day Funding.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-856)

Authorizing the City Manager to accept the State of California Department of Education grant funds awarded to San Diego's "6 to 6" Program;

Authorizing the City Manager to enter into agreements to expend these funds, beginning Fiscal Year 2005 through 2009;

Authorizing the City Manager to execute the First Amendment to the Agreement Between the San Diego Unified School District and the City of San Diego, reflecting the additional grant funds.

CITY MANAGER SUPPORTING INFORMATION:

On July 26, 2004, City Council adopted R-299482 to accept State of California Department of Education (CDE) grant funds for the "6 to 6" Program for Fiscal Year 2005.

Each year, state and federal grant funds for San Diego's "6 to 6" program are passed on to the City of San Diego via Memorandum of Understanding (MOU) with the San Diego Unified School District (SDUSD) for the City to administer and to provide "6 to 6" Extended School Day programs in District elementary and middle schools.

SDUSD was recently awarded 21st Century Community Learning Centers (21st CCLC) grant funds in the amount of \$2,719,781 for the period May 5, 2004 through June 30, 2005. This will grant fund "6 to 6" Programs at eighteen schools and expand student enrollment at fifteen schools currently receiving grant funds. The District and the City received preliminary notification in the spring of 2004 that a grant award was pending; official notification from the state came in December 2004. Service levels for Fiscal 2005 were established in anticipation of this funding being received. This action finalizes the process for the funds transfer.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-112: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

As a result of this action, the total amount of grant funding transferred to the City from SDUSD for the period May 5, 2004 through June 30, 2005 will increase from \$14,036,550 to \$16,756,331. The funds transfer was approved on the Board of Education's consent agenda on February 8, 2005. The City's Fiscal 2005 budget allocation for "6 to 6" is \$3.1 Million from the general fund and will continue to be for "6 to 6" programs at twenty-seven public schools that do not qualify for grant funds. To be eligible for grant funds, 40% of the overall school population must meet the "Free and Reduced Lunch" low income standard established by the California Department of Education. In the current fiscal year, the City also manages \$1.34 million in state and federal grants on behalf of other school districts.

Thirty-three SDUSD schools will benefit from the additional grant funds. Newly grant funded schools are: Alcott, Bethune, Cabrillo, Dana, Doyle, Fletcher, Foster, Fulton, Grant, Hawthorne, King/Chavez, Mason, Preuss, Promise Charter, Sequoia, Spreckels, Vista Grande, Walker, and Zamorano. Sites that are receiving additional grant funds are: Baker, Balboa, Bayview Terrace, Chollas/Mead, Darnall, Florence, Garfield, Johnson, Kennedy, King, McKinley, Roosevelt, Toler, and Washington.

Overall, the new grant funding will bring the "6 to 6" enrollment to approximately 24,000 spaces citywide. This is roughly the same number of program spaces allotted in Fiscal 2004 because of a similar offsetting number of slots lost due to budget constraints. Enrollment can be expanded at these sites, utilizing existing wait lists. 21st Century grant funds are awarded for a five-year period.

San Diego's "6 to 6" Program enjoys a national reputation for quality in before and after school programming, and because of the unique collaborative approach achieved through multi-agency partnerships.

Frazier/Cunningham/JHD

Staff: June Dudas – (619) 236-6312

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-113: Easement Deed Conveying to SBC/Pacific Bell Telephone Company an Easement for Underground Facilities at Montgomery Field Airport. (Kearny Mesa Community Area. District 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-799)

Authorizing the City Manager to execute an easement deed conveying to Pacific Bell Telephone Company, a corporation, an easement and right of way in, upon, over, under and across Lots 17, 24 and 25 of New Riverside subdivision as said lots are shown on said subdivision, filed for the record as Map No. 679 on the 19th day of February 1915, in the Office of the County Recorder, as more particularly described in said easement deed to erect, construct, modify, improve, reconstruct, relocate, repair, maintain and use the underground facilities and appurtenances for the transmission and distribution of telecommunications and related purposes as set forth in the easement deed.

CITY MANAGER SUPPORTING INFORMATION:

SBC/Pacific Bell Telephone Company has requested an easement for underground facilities and appurtenances affecting City property along an approximately 1,108 x 6 foot segment of Montgomery Field Airport. The existing telecommunication lines were buried without conduit and have deteriorated. The lines must be replaced in order to maintain service to the City terminal building at the airport. The easement will provide the necessary rights for SBC/Pacific Bell Telephone Company to replace and maintain a new subsurface communication line parallel to the existing one. The total area of the easement is approximately 6,647 square feet.

The easement has been estimated by City valuation staff to have a nominal value of \$500.

Since this project will exclusively serve a City-owned facility, no compensation is required for the easement. An Easement Processing Fee of \$1,590 has been received.

FISCAL IMPACT:

Processing Fee of \$1,590 will be deposited to Fund 41100.

Herring/Griffith/CPA

Staff: Christian P. Anderson – (619) 236-7073

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-114: Easement Deed Conveying to San Diego Gas and Electric Company an Easement for Underground Electrical Transmission Facilities at Montgomery Field Airport.

(Kearny Mesa Community Area. District 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-800) Tb(CACTION Tb)

Authorizing the City Manager, or his designee, to execute an easement deed conveying to San Diego Gas & Electric Company, a corporation, an easement and right of way in, upon, over, under and across that portion of Lot 1 of the Highlands, in the City of San Diego, County of San Diego, State of California, according to the Map thereof No. 284, filed in the Office of the County Recorder of said County, March 16, 1887, as more particularly described in said easement deed, to erect, construct, modify, improve, reconstruct, relocate, repair, maintain and use the underground facilities and appurtenances for the transmission and distribution of electricity.

CITY MANAGER SUPPORTING INFORMATION:

San Diego Gas and Electric Company (SDG&E) has requested an easement for underground electrical transmission facilities and appurtenances affecting City property along an approximately 54 x 10 foot segment of Montgomery Field Airport. It is necessary to replace and slightly extend the existing obsolete facilities in order to continue to provide electrical service to the airport. The easement will provide the necessary rights for SDG&E to replace and maintain new subsurface electrical transmission facilities that service Montgomery Field Airport. The total area of the easement is approximately 540 square feet.

The easement has been estimated by City valuation staff to have a nominal value of \$500.

Since this project will exclusively serve Montgomery Field Airport, no compensation is required for the easement. An easement processing fee of \$1,590 has been received.

FISCAL IMPACT:

Processing fee of \$1,590 has been deposited in Fund 41100.

Herring/Griffith/CPA

Staff: Christian Anderson – (619) 236-7073

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-115: Grant Application to the State of California Resources Agency for Otay Valley Regional Park Staging Area and Trail.

(Otay Mesa Community Area. District 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-851)

Authorizing the City Manager, or his representative, to apply to the State of California Resources Agency for grant funds in an amount not to exceed \$1,000,000 to provide for the design and construction of a regional staging area for a trail system in Otay Valley Regional Park, including a restroom, security lighting, shade structure/interpretive kiosks, drinking fountain, and other related components located in Otay Valley Regional Park at Beyer Boulevard and the San Diego River (Project);

Authorizing the City Manager, or his representative, to take all necessary actions to secure grant funding from the State of California;

Authorizing the City Auditor and Comptroller to accept, appropriate and expend funds if grant funding is secured;

Authorizing the City Auditor and Comptroller to establish a special interest-bearing fund for the grant;

Amending the Fiscal Year 2005 Capital Improvements Program by adding CIP-29-424.0 for Otay Valley Regional Park - Beyer Boulevard Staging Area and Trail;

Amending the Fiscal Year 2005 Capital Improvements Program Budget by increasing the budget amount not to exceed \$1,000,000 for CIP-29-424.0, Otay Valley Regional Park - Beyer Boulevard Staging Area and Trail;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not exceed \$1,000,000 for CIP-29-424.0, Otay Valley Regional Park - Beyer Boulevard Staging Area and Trail, contingent upon receipt of a fully executed grant agreement;

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

*** ITEM-115: (Continued)**

Certifying that the City Council understands the assurances and certification in the application form;

Certifying that the City Council has, or will have, sufficient funds to operate and maintain the project;

Certifying that the City Council has reviewed and understands the special and general provisions contained in the sample project agreement shown in the procedural guide.

CITY MANAGER SUPPORTING INFORMATION:

The voters of California passed the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 (Proposition 40) on November 5, 2002. It provides \$70 million for acquisition and development of river parkways, pursuant to Section 78682.2 of the Water Code. Funding can be used for a number of riparian and riverine projects, but cannot be used for active recreation development. The State Resources Agency has been designated as the lead agency for administration of this program, and the procedures require a resolution certifying the approval of the grant request by the applicant's governing board.

The State of California 2002-2003 budget allocated \$1,000,000 to the Otay River Parkway. The City of San Diego submitted a grant application on December 4, 2003 for a staging area located at Beyer Way (R-298588). The project met all criteria specified in the procedural guidelines; however, the State Resources Agency requested the City of San Diego to submit a proposal at another site with lower infrastructure costs. The City of San Diego and the State Resources Agency staff have conducted several site visits along the Otay River and determined that a staging area and trail at Beyer Boulevard would best fit the intent of the grant program.

Once the grant is secured, the City of San Diego will design and construct improvements to the staging area and construct a trail in Otay Valley Regional Park at Beyer Boulevard and the San Diego River. The staging area, located on City of San Diego property, will include a restroom, security lighting, shade structure/interpretive kiosks and a drinking fountain. The trail will go across property owned by the City of San Diego, the City of Chula Vista and the County of San Diego, the three agencies in the Otay Valley Regional Park Joint Exercise of Power Agreement (JEPA). The City of San Diego will operate and maintain the staging area and trails. This action is for the grant application only. Construction will require further environmental review.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-115: (Continued)

FISCAL IMPACT:

The grant application requests \$1,000,000 for Otay River Parkway. This project is the design and construction of a staging area and trail. The title of CIP-29-424.0, Otay Valley Regional Park - Beyer Way Staging Area will be revised during the Fiscal Year 2006 CIP budget process to Otay Valley Regional Park - Beyer Boulevard Staging Area and Trail, reflecting the new site and scope of work.

Herring/Oppenheim/AP

Staff: Heidi Lang – (619) 525-8218

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-116: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District 8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2005-409)

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

- * ITEM-117: Declaring a Continued State of Emergency Due to Economic Circumstances in the San Diego-Tijuana Border Region.

(District 8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2005-829)

Declaring a Continued State of Emergency due to economic circumstances in the San Diego-Tijuana border region.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-118: Declaring a Continued Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV).

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2005-833)

Declaring a Continued Local Health Emergency due to the spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV) for the purpose of implementing a one-year clean needle and syringe exchange program.

CITY MANAGER SUPPORTING INFORMATION:

California Health and Safety Code section 11364.7 (effective January 1, 2000) acknowledges the public health threat posed by the sharing of needles and syringes by injection drug users. The Code requires a local jurisdiction to declare a local emergency due to the existence of a critical local public health crisis in order to establish a clean needle and syringe exchange program. In order to permit development and implementation of a pilot clean needle and syringe exchange program, today's action continues the state of emergency first declared by the City Council on November 27, 2001.

- * ITEM-119: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2005-589)

Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-120: Appointment of John Chalker to Serve as a Member of the Board of Commissioners to the City of San Diego's Public Facilities Financing Authority.

(See memorandum from Mayor Murphy dated 2/17/2005, with resume attached.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-874)

Council confirmation of the appointment by the Mayor of the City of San Diego of John Chalker, to serve as a member of the Board of Commissioners of the Public Facilities Financing Authority, and shall serve at the pleasure of the City Council and the Redevelopment Agency (Agency) of the City of San Diego and may be removed at any time, with or without cause, at the sole discretion of the City Council and the Agency, replacing Gordon L. Gerson, who has resigned.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

**ORDINANCE INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING
WITH THE READING AND ADOPTION:**

ITEM-200: Proposed Amendments to the City's Land Development Code and Local Coastal Program.

(See City Manager Report CMR-05-011. Citywide.)

(Continued from the meeting of February 14, 2005, Item 51, at Councilmember Maienschein's request, for further review by the Community Planning Chairs.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 2/1/2005, Item S501. (Council voted 8-1. Councilmember Frye voted nay):

(O-2005-83 Cor. Copy)

Amending Chapter 11, Article 2 and Chapter 11, Article 3 of the San Diego Municipal Code by amending Division 1, Section 112.0102 and 113.0103.

Staff: Jim LoBue (619) 533-5263.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

ITEM-201: Fiscal Year 2005 Financial Review and Status Report.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-766)

Accepting the Fiscal Year 2005 Financial Review and Status Report.

Staff: Tom Haynes – (619) 236-6072

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-202: Two actions related to San Diego Fire/Rescue Helicopter Procurement.

(See City Manager Report No. CMR-05-048.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2005-868)

Authorizing the City Manager to award a contract to Eagle Copters to acquire, inspect, repair as necessary, and deliver one refurbished Bell 212HP Fire/Rescue Helicopter;

Authorizing the City Manager to finance one Bell 212HP Fire/Rescue Helicopter under the Equipment and Vehicle Financing Program over a period of seven years or by cash funding with the intent to reimburse when financing is available;

Authorizing the City Manager to expend \$32,412 for the purpose of hiring three Fire/Rescue helicopter pilots for the final month of Fiscal Year 2005.

Subitem-B: (R-2005-871)

Declaring that the City finds and determines that the foregoing recitals are true and correct;

Declaring that this Declaration of Intent is made solely for purposes of establishing compliance with the requirements of Section 1.150-2 of the United States Treasury Regulations. This Declaration of Intent does not bind the City to make any expenditure, incur any indebtedness, or proceed with the purchase of the Helicopter;

Declaring the City's official intent to use proceeds of indebtedness to reimburse itself for Reimbursement Expenditures;

Certifying that this Declaration of Intent shall take effect from and after its adoption.

Aud. Cert. 2500759.

Staff: Assistant Chief John Jondall – (619) 533-4401

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-203: Second Amended and Restated Agreement with Hawkins Delafield & Wood, LLP for General Disclosure Counsel Services.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-869)

Authorizing the Second Amended and Restated Agreement with Hawkins Delafield & Wood, LLP for general disclosure counsel services and authorizing an additional expenditure of \$500,000.

SUPPORTING INFORMATION:

The Report on Investigation dated September 16, 2004, prepared by Vinson & Elkins L.L.P. recommended that the City rely on a single, well-qualified firm to provide disclosure counsel services in order to provide for continuity in the City's disclosure materials and a greater accountability on the part of disclosure counsel. The City accepted that recommendation and engaged the Hawkins Delafield & Wood LLP [Firm] to serve as the City's general disclosure counsel. Such services include, but are not limited to, advising the City regarding its disclosure obligations under federal securities laws, advising the City regarding the provisions of the San Diego Municipal Code pertaining to disclosure; participating in the Disclosure Practices Working Group; conducting training and seminars for the City regarding federal securities laws; preparing standards and procedures for the City's disclosure practices; assist the City in finalizing and launching a City investor web page; and provide other legal services as requested by the City Attorney's office. The Firm proposed to provide such services on an hourly basis. The City has determined to accept the Firm's proposal and retain it for the above-referenced purposes. This Second Amended and Restated Agreement for General Disclosure Counsel Services increases the compensation to be paid to the Firm by an additional \$500,000; the total amount of the contract with this amendment is \$750,000.

FISCAL IMPACT:

The City shall compensate Hawkins Delafield and Wood LLP based on an hourly rate for the services provided. This second amended and restated agreement increases such compensation by \$500,000. Pursuant to the agreement, as amended and restated, the maximum amount to be paid to Hawkins Delafield and Wood LLP shall not exceed \$750,000, including expenses. These costs shall be shared among various bond-financed projects.

Kelly Salt

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-204: Fourth Amendment to Retention Agreement with KPMG, LLP to Perform an Audit of the City's FY 2003 Financial Statements.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-872)

Authorizing the Fourth Amendment to Retention Agreement with KPMG, LLP to Perform an Audit of the City's FY 2003 Financial Statements.

CITY MANAGER SUPPORTING INFORMATION:

On January 27, 2004, the City filed a voluntary financial disclosure concerning, in part, certain errors and correctible statements in the City's Fiscal Year 2002 Comprehensive Annual Financial Report (CAFR). As a result, the Fiscal Year 2003 CAFR has not been finalized and issued. The City Manager retained the firm KPMG, LLP to perform the audit of the City's Fiscal Year 2003 basic financial statements, which are included in the CAFR, before the Fiscal Year 2003 CAFR is finalized and issued.

The preliminary estimate for the cost to initiate the audit was approximately \$500,000. On July 12, 2004, the Mayor and City Council authorized the first amendment with KPMG to increase the not-to-exceed amount to \$800,000. Subsequently, the City Council authorized second and third amendments with KPMG, on August 9 and November 23, 2004, respectively, bringing the total not-to-exceed amount to \$1,700,000. At the time the third amendment in the amount of \$500,000 was issued, invoices in the amount of \$327,498 were already outstanding, leaving less than \$170,000 available to fund further audit activities.

Pursuant to accounting standards and practices, the city needs to continue to conduct additional investigation beyond the scope of the Vinson & Elkins (V&E) Report on Investigation. The additional investigation is necessary because the City's and KPMG's obligations with respect to the allegations of illegal conduct in the context of an audit are broader than the investigation and reporting on federal disclosure law violations, for which the V&E Report was commissioned, and the additional investigation will address legal issues and allegations of wrongdoing that were not the subject of the V&E Report. The City has been working cooperatively with KPMG on the scope of the additional investigations.

Given the continued importance of a thorough review, the City Manager is requesting that the Mayor and City Council authorize a fourth amendment with KPMG for an additional \$500,000 for a total not-to-exceed contract amount of \$2,200,000.

Ewell/Vattimo

Aud. Cert. 2500774

Staff: Martin Kane – (619) 236-6882

ADOPTION AGENDA, DISCUSSION, HEARINGS

SPECIAL HEARING:

ITEM-205: In the matter of:

Council Discussion Regarding the Strong Mayor Transition Work Plan.

(See memorandums from Mayor Murphy dated 2/22/2005 and 2/18/2005; and memorandum from Councilmember Young dated 2/22/2005. See City Manager Report CMR-05-049.)

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-250: Notice of Pending Final Map Approval – 4425 Illinois Street.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “4425 Illinois Street” (T.M. No. 27562 PTS No. 46999), located northeasterly of Illinois Street and Meade Avenue in the Greater North Park Community Plan Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

PUBLIC NOTICES: (Continued)

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-251: Notice of Pending Final Map Approval – Pacific Highlands Ranch Unit No. 2B.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “Pacific Highlands Ranch Unit No. 2B” (T.M. No. 99-1284 PTS No. 43932), located southwesterly of Del Mar Heights Road and Old Carmel Valley Road in the Pacific Highlands Ranch Community Plan Area in Council District 1, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

PUBLIC NOTICES: (Continued)

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-252: **Notice** of Pending Final Map Approval - 4271 45th Street.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled "4271 45th Street" (T.M. No. 26860 PTS No. 49033), located southeasterly of El Cajon Boulevard and 45th Street in the Mid-City: City Heights Community Plan Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT